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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/527,259

11/21/2005

Hans-Jurgen Euler

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/527,259 | <b>Applicant(s)</b><br>EULER, HANS-JURGEN |  |
|                              | <b>Examiner</b><br>TUAN H. NGUYEN    | <b>Art Unit</b><br>2618                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wigren et al. (US PUB. 2004/0203856 hereinafter, "Wigren") in view of Iwamoto et al. (U.S PAT. 6,671,680 hereinafter, "Iwamoto") and further in view of Eckley (U.S PAT. 4,740,963).

Consider claim 1, Wigren teaches a method for using utilizable data, in data formats which cannot be directly processed, in communication, in particular wireless communication, between at least two geodetic devices comprising a first device having communication means (page 2 [0030]), a second device having communication means (page 2 [0030]), means for processing utilizable data and storage means, comprising the steps transmission of data by the first device, the data being transmitted in data formats having a sequence of at least two data fields (page 5 [0062]), reception of the data and processing of utilizable data by the second device, the utilizable data being read from data fields which can be evaluated (page 2 [0034] and [0035]).

Wigren does not explicitly show that characterized in that particularly in relation to the transmission of the data, at least one reference directory is transmitted and is stored in the storage means, the reference directory indicating, in data formats which cannot be directly processed, the data fields which can be evaluated, and wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the communication means.

In the same field of endeavor, Iwamoto teaches characterized in that particularly in relation to the transmission of the data, at least one reference directory is transmitted and is stored in the storage means, the reference directory indicating, in data formats which cannot be directly processed, the data fields which can be evaluated, and wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the communication means (fig. 20A-20C col. 18 line 42 through col. 19 line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, characterized in that particularly in relation to the transmission of the data, at least one reference directory is transmitted and is stored in the storage means, the reference directory indicating, in data formats which cannot be directly processed, the data fields which can be evaluated, and wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the communication means, as taught by Iwamoto, in order to provide an output processing unit converts an unknown rule discovered by the classification into a format which can be used in an external application and outputs it.

Wigren and Iwamoto, in combination, fail to teach characterized in that the utilizable data is transmitted in its original format, and characterized in that the reference directory is transmitted separately from the utilizable data.

However, Eckley teaches characterized in that the utilizable data is transmitted in its original format, and characterized in that the reference directory is transmitted separately from the utilizable data (col. 2 lines 40-50).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Eckley into view of Wigren and Iwamoto, in order for transmitting simultaneously both a voice signal and a digital data signal, with reduced distortion to the voice signal and with a higher digital data rate than was previously achieved for a given combined bandwidth.

Consider claim 3, Wigren further teaches characterized in that the data formats are uniquely defined by a coding, in particular a numeric or alphanumeric coding (page 5 [0062]).

4. Claims 2, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wigren in view of Iwamoto and Eckley and further in view of Hans et al. (U.S. PUB. 2006/0135186 hereinafter, "Hans").

Consider claim 2, Wigren, Iwamoto and Eckley, in combination, fails to teach characterized in that a data directory in which data fields and/or data types are defined is transmitted.

However, Hans teaches characterized in that a data directory in which data fields and/or data types are defined is transmitted (page 4 [0038]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Hans into view of Wigren, Iwamoto and Eckley, in order to provide the data stored in the first data field are present in a data format that is readable by all the subscribers of the telecommunications network. In this way, short messages can be sent at least in part to all the subscribers of the telecommunications network.

Consider claim 4, Hans further teaches characterized in that, in one of the data formats, at least one data field with a fixed length is chosen, in particular with a length required by the format of geodetic location or time data (page 3 [0030]).

Consider claim 5, Hans further teaches characterized in that, when receiving the data or processing utilizable data, at least one data field which cannot be evaluated is suppressed in the data format which cannot be directly processed, so that only one sequence of data fields which can be evaluated is received and/or evaluated (page 4 [0030]).

Consider claim 6, Hans further teaches characterized in that, when receiving the data or processing utilizable data in data formats which cannot be directly processed, at least one data field which can be evaluated is localized within the sequence of data fields (page 4 [0036]).

Consider claim 7, Hans further teaches characterized in that the indication of data fields which can be evaluated in the reference directory is effected by at least one of the two measures specification of the sequence of data fields in data formats which cannot be directly processed, so that data fields which can be evaluated are localized, specification of a change of known data formats, so that the sequence of data fields in the data formats which cannot be directly processed can be derived and data fields which can be evaluated can be localized (page 4 [0036]).

Consider claim 8, Hans further teaches characterized in that, on transmission of the data, the first device transmits data to a plurality of second devices (page 2 [0023]).

5. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wigren in view of Iwamoto and Eckley and further in view of Couronne et al. (U.S PAT. 7,039,421 hereinafter "Couronne").

Consider claim 9, Wigren, Iwamoto and Eckley, in combination, fails to teach characterized in that the transmission of the reference directory is initiated by at least one of the following measures establishment of a communication connection between first and second device, detection of a set time mark, in particular periodic time mark, during the existence of a communication connection between first device and second device, elapse of a counting procedure, execution of a defined procedure in the first device, transmission of a message by the second device indicating that a data format which cannot be directly processed is being received or was received, transmission of a message by the second device, in which message the data formats which can be directly processed by this second device are defined.

However, Couronne teaches characterized in that the transmission of the reference directory is initiated by at least one of the following measures establishment of a communication connection between first and second device (col. 5 lines 54-67), detection of a set time mark, in particular periodic time mark, during the existence of a



communication connection between first device and second device, elapse of a counting procedure, execution of a defined procedure in the first device (col. 12 lines 50-65), transmission of a message by the second device indicating that a data format which cannot be directly processed is being received or was received (col. 1 lines 43-48), transmission of a message by the second device, in which message the data formats which can be directly processed by this second device are defined (col. 10 line 54 through col. 11 line 3).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Couronne into view of Wigren, Iwamoto and Eckley, in order to provide the use of the CDMA method is the reduced electromagnetic load by the transmitter network as compared to methods measuring signal transit times directly or indirectly (by a frequency sweep of the transmitter) since, due to the amplification gains typical in CDMA systems by unspreading of the signal, transmitters with very low transmitting power support the indoor and outdoor regions, respectively. As CDMA signals are below the noise level, there is no high transmitting power necessary for locating.

Consider claim 10, Couronne further teaches computer program product comprising program code which is stored on a machine-readable medium, for carrying out the step of receiving data and processing utilizable data of the method according to Claim 1, in particular if the program is executed in a computer (col. 3 lines 18-27).

Consider claim 11, Couronne further teaches analogue or digital computer data signal, embodied by an electromagnetic wave, comprising a program code segment for carrying out the step of receiving data and processing usable data of the method according to Claim 1, in particular if the program code is executed in a computer (col. 3 lines 18-27 and col. 5 lines 54-67).

Consider claim 12, Couronne further teaches reference directory or data directory as a code which is stored on a machine-readable medium, for carrying out the method according to Claim 1, in particular if the code is used in a computer (col. 3 lines 18-27 and col. 5 lines 54-67).

Consider claim 13, Couronne further teaches reference directory or data directory as an analogue or digital computer data signal, embodied by an electromagnetic wave comprising a code -segment for carrying out the method according to Claim 1, in particular if the code segment is used in a computer (col. 3 lines 18-27 and col. 5 lines 54-67).

Consider claim 14, Couronne further teaches geodetic device, in particular reference station for differential GNSS or theodolite, as a first device for carrying out the method according to Claim 1, comprising communication means, characterized in that the communication means are designed for transmitting a reference directory or data directory (col. 12 lines 50-65).

Consider claim 15, Couronne further teaches characterized in that the communication means are formed so that the transmission of the reference directory or of the data directory is initiated by at least one of the following events establishment of a communication connection to a second device (col. 5 lines 54-67), detection of a set time mark, in particular of a periodic time mark, end of a counting procedure, execution of a defined procedure (col. 12 lines 50-65), reception of a warning message of a second device stating that a data format which cannot be directly processed is being received or was received (col. 10 line 54 through col. 11 line 3), reception of a message of a second device, in which message the data formats which can be directly processed by this second device are defined (col. 10 line 54 through col. 11 line 3).

Consider claim 16, Couronne further teaches geodetic device, in particular rover for differential GNSS, as a second device for carrying out the method according to Claim 1, comprising communication means, means for processing utilizable data and storage means (col. 12 lines 50-65), characterized in that the communication means and the storage means are formed and arranged in such a way that a reference directory or a data directory is received and stored (col. 12 lines 50-65).

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wigren in view of Iwamoto and Eckley and Couronne, and further in view of Hans.

Consider claim 17, Wigren, Iwamoto, Eckley, and Couronne, in combination, fail to teach characterized in that the communication means or the means for processing utilizable data are designed so that data fields which can be evaluated and are contained in data formats which cannot be directly processed are identified by indication in the reference directory.

However, Hans teaches characterized in that the communication means or the means for processing utilizable data are designed so that data fields which can be evaluated and are contained in data formats which cannot be directly processed are identified by indication in the reference directory (page 4 [0036]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Hans into view of Wigren, Iwamoto, Eckley, and Couronne, in order to provide the data stored in the first data field are present in a data format that is readable by all the subscribers of the telecommunications network. In this way, short messages can be sent at least in part to all the subscribers of the telecommunications network.

Consider claim 18, Hans further teaches characterized in that the communication means or the means for processing utilizable data are designed so that data fields which cannot be evaluated in the data format which cannot be directly processed are suppressed during the reception of the data or the processing of utilizable data (page 4 [0036]).

Consider claim 19, Hans further teaches characterized in that the communication means or the means for processing utilizable data are designed so that data fields which can be evaluated in the data format which cannot be directly processed are localized during the reception of the data or processing of utilizable data within the sequence of data fields (page 4 [0036]).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couronnein view of Iwamoto and further in view of Eckley.

Consider claim 21, Couronnein teaches a geodetic system, comprising: at least one of a first geodetic device, in particular reference station for differential GNSS or theodolite, the first geodetic device including a first communication (col. 12 lines 50-65).

Couronnein does not explicitly show that at least one of a second geodetic device, in particular a rover for differential GNSS, the second geodetic device including a second communication means, means for processing utilizable data and storage means, wherein the second communication means and the storage means are arranged so that the transmitted reference directory is received and stored, wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the second communication means.

In the same field of endeavor, Iwamoto teaches at least one of a second geodetic device, in particular a rover for differential GNSS, the second geodetic device including a second communication means, means for processing utilizable data and storage means, wherein the second communication means and the storage means are

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arranged so that the transmitted reference directory is received and stored, wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the second communication means (fig. 20A-20C col. 18 line 42 through col. 19 line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, at least one of a second geodetic device, in particular a rover for differential GNSS, the second geodetic device including a second communication means, means for processing utilizable data and storage means, wherein the second communication means and the storage means are arranged so that the transmitted reference directory is received and stored, wherein the means for processing utilizable data employ the reference directory stored in the storage means for evaluating data received by the second communication means, as taught by Iwamoto, in order to provide an output processing unit converts an unknown rule discovered by the classification into a format which can be used in an external application and outputs it.

Couronnein and Iwamoto, in combination, fail to teach the first communication means is designed for separately transmitting (1) a directory indicating, in data formats which cannot be directly processed, data fields which can be evaluated, and (2) the utilizable data in its original format.

However, Eckley teaches the first communication means is designed for separately transmitting (1) a directory indicating, in data formats which cannot be

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directly processed, data fields which can be evaluated, and (2) the utilizable data in its original format (col. 2 lines 40-50).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Eckley into view of Couronnein and Iwamoto, in order for transmitting simultaneously both a voice signal and a digital data signal, with reduced distortion to the voice signal and with a higher digital data rate than was previously achieved for a given combined bandwidth.

### ***Conclusion***

8. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/  
Examiner  
Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
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